

The Evil Eye plucked out :

OR A
DISCOURSE
PROVING

That *Church-Revenues* cannot be *Alienated* by any *Secular Persons* or *Powers*, without a *manifest Violation* of the known *Fundamental Laws* of this *Kingdom*, and of *Publick Justice*, and *Common-honesty*.

MAT. XX. 15.

Is thine Eye Evil, because I am Good?

Frustra legis auxilium invocat, qui in legem committit.

Si Judicas, cognosce.

L O N D O N :

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by *H. Brome* at the Gun near the
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1840

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1842

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The Invasion, or Alienation, of Church-Revenues by any Secular Person or Power, not only Sacrilege, but contrary to the Fundamental Laws of the Land, and to the Principles of Justice and Common-honesty.

SOME there are that have attempted to perswade the World, that the Devil is not so black as he is

A₃ painted;

The Evil Eye

painted ; and that the name of Sacrilege, or its appropriation unto the invasion of *Church-Lands* , is but a trick and device, a meer *bugbear* to affright conscientious and fearful men from their laying hands on those sweet possessions of others. To make this the more specious, and withal, to unravel the force of all the Arguments that have been laid before the World to discover the iniquity of it, they have at length found this new artifice, to heap together the various senses of this word *Sacrilege* , some Proper, some Metaphorical ; to shew that it had been used in relation to Persons , Words, Places , and Things :

Things : and thence they infer, That if such or such a thing be Sacrilege, then this is not. After which way of discoursing, I believe any wickedness in the World might be freed from the imputation of guilt or enormity. I may as well argue, that because *Idelatry* is called *Adultery*, and *Incest Fornication*, that there is no other *Adultery* or *Fornication*; that because *Murder* is used in many senses besides, therefore wilfully to kill a Man is no *Murder* : And so in every transgression that can but have a *Metaphorical sense*, or be referred to more objects than one. It might indeed have concluded thus, There are other sorts of

The Evil Eye

Sacrilege, therefore this is not the only Sacrilege.

But now, because men are ready to reject, or at least not to have any great regard unto such things, where variety of Opinions taketh off the edge of *Arguments*, and will never allow themselves convinced, if there remain any Loophole through which they can peep; I shall endeavour to make good this Proposition :

That Church-Lands and Revenues cannot be alienated from the Clergy, nor invaded by any Secular Persons or Powers, without a wilful and determinate violation and breach of the Fundamental Laws of the Land,

*Land, and of the Principles
of Justice and Common-ho-
nesty.*

And truly, if this be made good, we shall not so much need to dispute the significati-
on of *Sacrilege*: For in a
Christian State and Kingdom,
none will believe That an un-
godly invasion of the Rights of
others, can be countenanced or in-
dured; especially where the
Law speaks no less than Death
to little Robbers on *High-ways*,
to Pirates on Seas, and makes
Thirteen pence half penny by vi-
olence or wrong taken, inexpli-
able, unless it be by the blood
of the Criminal. Nay, any thing
taken above the value of *twelve*
pence

Stamford
fal. 14. b.

pence, without the consent of the owner, is felony by the Law, Stat. West. 1. cap 15. *Furtum est contrectatio rei alienae plurius quam duodecim denariorum valentis, animo furandi, invito illo cuius res illa fuerit* Theft is the seizing of the Goods of another above the value of one shilling, with an intent of stealing, and without the consent of him to whom it belongeth. Nor do I know any other way to specificate Theft, than the Property of the Possessor before it be taken, and the ignorance or unwillingness of the Possessor to part with it. And therefore the Law determines, that the stealing of Wilde Beasts, or Fishes out of a River, which have liberty
to

to change their places from one persons Royalty to another, shall be neither Felony nor Larceny, because they are nullius in bonis; and so for TREASURE Stamford fol. 25. b. TROVE, for Treasure found, if it be taken, not Felony, *Quia Dominus rerum non apparet*. But to take even these very things is yet unlawful, because (to whomsoever they belong, yet) they belong not to him that taketh them, having no right to them. How then and with what pretence can any greater and more valuable rights be alienated from Possessors without their consent? *Iustice it is, suum cuiq; reddere*, to render every man that which is his; and it is common honesty, to be content
 With

The Evil Eye

with our own: so that, that which justifieth a Possession is Property or Right, and that which gives boundaries and security to Property and Right, are the Laws. Not that there was any other Original of Property, but the Law of Nature; and so, even that Eighth Commandment insinuates, for if there had not been property, to take from another could not be to steal; so that as thou shalt kill, doth defend the life of a man which he hath most right to; Thou shalt not commit Adultery, doth intimate the propriety that every man had in his own Wife; so, Thou shalt not steal, doth intimate the propriety that every man had in his own Goods and

and Possessions: And thence
 ariseth that *Maxime* of the Civil
 Law, *Jure naturæ æquum est*, Pomponi-
 us, Lib. 9.
*neminem cum alterius detrimento
 fieri locupletiores.* Hence it is
 also that Religion ever so vi-
 gorously asserted, and all hu-
 mane Laws ever defended Pro-
 perty. As early as *Abel* and
Cain, we see a Property of
 Goods in the *Flocks* of one, and Gen. 4.
 the *Husbandry* of the other;
 from which each man brought
 his *Offering*, which truly would
 have been but a *dull present*, if
 it had been out of the *stock* of a
Community, where the right of
 all might have made the gift
 of any one of a small account;
 and he that was most Religi-
 ous, would have but commen-
 ded

1 Reg. 24.
24.

ded his service to God, by *that* which cost him little or nothing. Much less would the *fatness* of the Sacrifice been noted by God himself: *Obtulit Hebel de primogenitis gregis sui, & de adipe eorum.* Which *first-fruits* or *first-lings*, doth signifie the *prime* or *principal*, expounded by the *fat* in that *verse*; and by the *Apostle* accordingly, *Hebrews 11. 4.* πλεονα θυσιαν, *præstantius & majoris pretii sacrificium; a better and more valuable Sacrifice.* And therefore on the consideration of the *Petition of Right*, Anno 1640. the Convocation, holden at London, agreed this, amongst other *Articles*, *Though Tribute, Customs, Aid, and Subsidies, and all other manner*

manner of necessary support and supply be respectively due to Kings from their Subjects, by the Law of God, Nature, and Nations, for the publick defence, care, and protection of them; yet nevertheless Subjects have not only a Possession of, but a true and just Right, and Title, and Propriety to, and in all their Goods and Estates, and ought for to have. And these two are so far from crossing one another, that they mutually go together, for the honourable and comfortable support of both: For as it is the duty of Subjects to supply their King, so it is the part of the Kingly Office to support his Subjects in the propriety and freedom of their Estates. And truly all Magistrates are to guard this; there.

The Evil Eye

therefore it was the less wonder that that brave *Roman* Emperor should make his whole Army stand still to do right to a poor Widow. But to this chiefly are the *Kings* of this *Island* so much obliged, that it is the *principle Article* of the *Coronation Oath*, which the King sweareth to maintain.

Arch-
Bishop.

Sir, Will you grant, keep, and by your Oath confirm to your people of England, the *Laws* and *Customs*, to them granted by the *Kings* of England, your lawful and *Religious Predecessors*; and namely, the *Laws*, *Customs*, and *Franchises*, granted to the *Clergy* by the glorious King *St. Edward* your *Predecessor*, according to the
Laws

Laws of God, the true Profession of the Gospel established in this Kingdom, agreeable to the Prerogative of the Kings thereof, and the antient Customs of this Land?

I grant and promise to keep King. them. To which he afterward Ex Libro Regali. *swareth.*

Now the Rights and Franchises granted by St. Edward first, are contained chiefly in the Magna Charta, and in the Charta de Foresta, made 9 Hen. 3. of 9 Hen 3. *which this is the History.*

This poor Island torn to pieces by innumerable Factions, for the support of the particular dominions of the Heptarchy, was at last gotten into the
B hands

An. Christi
1018.

hands of *Canutus* the Dane, yet so as by *Conquest*, where all under his subjection were at his mercy; for, wherever a Kingdom is overrun and grasped by *Conquest*, the *Kings will* is the only Law. *Quod principi placuerit legis habet vigorem.* The

An. 1043. Kingdom in this condition descended to *St. Edward*, called, for his excellent Holiness, the *Confessor*; who considering the uncertain estate of a Governor, who hath nothing but the point of his Sword to guard him; considering that the surest fortress was the love of the people, and withal, that nothing could gain so much upon their affections as *Liberty* and *Emancipation*; he took this course to
caress

careſs them; to *infranchiſe* them, and remit the ſtanding Revenue that had been formerly paid to the *Crown*, in acknowledgment of their *Vaſſalage*, called *Daneguilt*; being 40000 pounds per annum. And that their *Perſons*, or *Eſtates*, might not be ſubject to the *Will* of any violent perſon, but be protected by a *Law*, he digeſted a body of *Laws* out of the *Cuſtoms* and *Ordinances* of four *Countries*, which was the beginning of our *Common Laws*. But when *William Duke of Normandy* came on this Kingdom, and made a new Conqueſt, his Sword cut all former *Charters* aſunder. Thoſe that were then his *Vaſſals*, muſt ſubmit to

The Evil Eye

his pleasure both for Lives and Estates. He that had gotten a great Kingdom with great dangers and difficulties, used the English with little Mercy. The whole Nation was in such a condition, that they knew not what to call their own. He deposed the greatest part of the English Nobility, and distributed their Earldoms, Baronies, Bishopricks, and Dignities to his Normans: On the Commons he laid what Restraints, Burdens, and Bridles he pleased. For thirty Miles together in Hampshire, without Mercy or Conscience, he depopulated and laid wast a great number of TOWNS, VILLAGES, and

Stows
Chron.

and CHURCHES, without any satisfaction to the Inhabitants, to make a Chase for Wilde Beasts, which is now called the New Forest. He charged, at his pleasure, what Souldiers he pleased on the Bishops, Earls, Barons, Sherriffs, &c. He caused the whole Kingdom to be Surveyed in a book, to understand what Land every Baron did possess, how many Knights-fees, how many Plough-Lands, how many Villains, how many Beasts or Cattle every man possessed within this Kingdom, from the greatest to the least; and (as the Historian affirms) the Land was full of mischiefs that came of this doing.

Such
strange
doings
continued
all the
time of
Will. Rufus.

The Evil Eye

Ans Reg. 1. Hen. 1. his Son, well weighing the sad inconveniences of this Tyranny, took other courses ; He restored the state of the Clergy ; he asswaged the grievous payments ; restored again St. Edward's Laws ; and at length, gave once more a manumission and compleat emancipation to the Kingdom , and made us a free people : afterwards confirmed and ratified by the Magna Charta, and Charta de Foresta, in the 9 year of the Reign of Hen. 3. Which particularly, and in the first place, doth enfranchise the Church : We have granted to God , and by this our present Charter have confirmed for us, and for our Heirs for evermore, that the Church of England shall be

Slows Chron.
9 Hen. 3.
6. 1.

be free, and shall have all her holy Rights and Liberties inviolable. And truly, before the Promulgation of that Charter, all the Kingdom were Slaves, and at the will of the Sword, both for their *Estates* and *Lives*. Nay, even after this Charter, many great *Prerogatives* were claimed and held by the succeeding Kings: As the bestowing of the youngest Daughter of any deceased Baron in Marriage, as he pleased, with all her Fathers inheritance; although the Eldest were Married in their Fathers life time, and with his liking. *Si aliquis Baro dicti Domini Regis, tenens de Rege, obiisset, & non haberet heredem nisi filias, & primogenita filia maritata*

The Evil Eye

ritatæ sunt in vita patris; Dominus Rex daret postnatam filiam quæ remanet in hereditate patris alicui militum suorum, cum tota hereditate patris sui, de qua obisset seiscitus; ita quod aliæ filiæ nihil reciperent adversus postnatam filiam in vita sua. Et omnes Reges habuerunt hanc dignitatem a conquestu. And some Prerogatives continue to the Crown at this day of a like nature, notwithstanding the Property of the Subject by the great Charter: As, in defaillance of Heirs, the King inherits, so that the last Possessor, cannot dispose or alienate it by Will. In Treasure Trover, in whose Land soever found, it goes not to the Proprietor of the soil.

In

In the case of Mines discovered of perfect Metals, they go to the King in whose Land soever they are found.

Now although this great Charter was so early granted, yet some succeeding Kings invading the Property of the Subjects, and Ruling according to their own Lusts, was the occasion of those fearful Civil Cammotions, called the Barons Wars: Particularly the insolent and intolerable Violence and Tyranny of King John; For there were many Noble mens Wives, and Daughters, whom he oppressed and defiled; othersome with great Exactions he brought into great Poverty; the Friends
and

*Stows
Chron. in
the Reign
of K. John.*

The Evil Eye

and Parents of some he banished and turned their Inheritances to his own use, Anno

48. 1213. 1213. He disinherited some Noble men without judgment of their Peers: He Robbed Baynards Castle in London: Poysoned Maude the Fair, because she would not consent to his Lust: After he had spoiled Religious Persons (when the foulness of those Practices were like to undo him) he constrained them to give him writings, wherein they acknowledged that they had willingly given him all that he had with Violence taken from them.

This was the cause that the Barons so determinately demanded

demanded the confirmation of the *Magna Charta*, and *Charta de Foresta*, of that *Hen. 3.* his Son and Successor, without which they looked on the whole Land to be perfectly enslaved. This he granted; and it was with all possible Faith and Assurance publickly ratified. And this is the *Fundamental Law* of this Land, concerning the Right and Property of every Subject, both Lay and Clergy: And if this be broken, there is no security of any Mans Possessions. Nay, even those that hold by *Escuage*, *Serjeanty*, or by any other services, if they perform those services as they are due, no Power
without

The Evil Eye

without illegal and unconscionable Violence and Oppression, can Invade or Disseise them, without their consent; this being a common Principle and Maxime in all Laws, *Quod nostrum est, sine facto nostro transferri non potest*: That which is mine, without my deed cannot be transferred to another.

Thus far it is visible and clear, that by apparent Right, and by the Fundamental Laws of the Land, that the Clergy stand on the same Basis and ground, in their Estates, and Possessions, with the Laity. And least it should be doubted, what Liberties are intended

tended to be granted to them,
 the Laws have (in many
 things) explained them. As,
 the right of Advowsons and Pre-
 sentations, that belong to the
 Church to be kept inviolable,
 25 Edw. 3. 3. 7. The right of ^{25 Edw. 3.}
 their Forests, and Chaces, and ^{3. 7.}
 Parks to the Archbishops and
 Bishops. *Charta de Foresta*, cap. ^{*Charta de*}
 4. The Liberties of all their ^{*Foresta*, c. 4.}
 ether Rights and Possessions: ^{9 Hen. 3.}
Magna Charta, cap. 37. All ^{*Mag. Chart.*}
 that even before the Con- ^{c. 37.}
 quests of Danes or Normans
 had belonged unto them, such
 as an exemption from Murage,
 Pontage; *Cook Institut.* vol. 2. ^{*Cook. Inst.*}
 fol. 1, 2. An exemption from ^{vol. 2. fol.}
 Secular Offices. *Si homo qui* ^{1, 2.}
tient certeine terres ou tenements ^{*Fitz-Herb.*}
 par ^{*Nat. Brev.*}
 fol. 175.

The Ebl Eye

par reason de se terres dever estre
 elect Baillie, ou Reve, ou en
 auter tiel office pour se terres,
 ore si tiel home soit fait Clerke,
 ou deins sacres Orders, donc il
 ne devan estre elect pour se ter-
 res en tiel office. And if he be
 returned in such an Office,
 by the Kings Writ he shall
 be discharged; the words of
 which Writ are these, *Cum*
secundum leges & consuetudines
Regni nostri Angliæ infra sa-
cros ordines constituti ad offici-
um Ballivi, &c. eligi non de-
bent. And again, *Acceperi-*
mus quod magistrum C. Offi-
cium Ballivi, &c. manerii de.
L. assumere compellere nitimini
in ipsius grave damnum, & con-
tra legem & consuetudines supra-
dictas.

dictas. Precipimus quod distri-
 ctioni & compulsioni, &c. om-
 nino supersedeatis, &c. An ex-
 emption from distresses on Glebes
 of Ecclesiastical Livings: A
 Writ being issuable, Quod di-
 stresse ne soit pris en le Glebes ^{Id. fol.}
 de Parsons, ne Vicars, ne auter ^{174.}
 Minister found sur le Statute,
 de Articulis cleri: cap. 6. the
 words of which Writ are these,
 Rex Vicicomiti salutem, &c. Cum ^{9 Edw. 2.}
 nuper ingressus fuisti in terris
 & tenementis Rectorie de C.
 & Dominum. S. graviter di-
 strinxisti, & indies distringere
 non desistis in ipsius prejudicium
 & libertatis Ecclesiasticæ mani-
 festam lesionem, & contra for-
 mam Articulorum de Clero, &c.
 Nos libertates Ecclesiasticas illæ-
 sas

Id. fol.
176.

fas observari volentes, precipimus, &c. An exemption of the Clergy from paying Subsidies among the Laity, or by their taxing: In which case a Writ also lyeth, *Rex taxatoribus X. & XV. per communitatem Regni nostri Angliæ, nobis ultimo concessarum, &c. Vobis mandamus quod S. Prebenda de B. in propriis bonis suis quæ inter Spiritualia ad decimam taxantur & de quibus dat nobis decimam: ratione X. & XV. nobis per Laicos concessarum non molestetis sive in aliquo gravetis, &c.* To

* Nor did our Law allow more in this than the Pagan Prince *Artaxerxes* allowed to the Jewish Priests and Levites, *Ezr. 7. 24.* who commanded that they should not impose Tolls and Customs on them.

exempt them from * Passage, Castle-guard, Murage, Pontage, &c. A Writ also lyeth, That

no Prohibition shall lie against the Proceedings of Ecclesiastical Courts in case of Tythes, Mortuaries, Oblations, or Commutation of Penance on the instance of an Offender: Art. Cleri. 9 Edw. 6. 2. 1 2. 3. That the Kings Prohibition shall not lie in Excommungement, unless where the Kings Liberty is prejudiced: Art. Cleri. cap. 12. And several ^{9 Ed. 1. 12.} other the like Liberties and Immunities.

Nor do the too frequent and impudent Rapines of violent and tyrannical Powers, make the depilation of the Church, or the plundering of the Clergy become ever the less Illegal or wicked, any more than frequent Rapes and Adulteries,

*A facto ad
jus non va-
let conse-
quentia.*

C

or

The Evil Eye

or numerous *Piracies* and *Robberies* can change the nature of those *facts*, and make them ever the less *Villanies*. So that when on one side, we shall read in our *Chronicles*, the *Symony* of *William Rufus*; or on the other side, his *encouragement* of the *Jews* to fight against the *Christians*, promising that if they overcame, he would become a *Jew*. We judge his *Justice* and *Religion* to be much of a sort, in one and the other. For *King John* to *spoil* and *plunder* the *Clergy*; or to *disseise* his *Barons*, to *condemn* them without judgment of their *Peers*, and *convert* their *Estates* to his own use, are practices a like justifiable by the *Fundamental Laws* of this *Land*.
And

Matthew
Paris.

Will. Mal-
mesbury.

Stows
Chron.

And who would not have taken it to have been a compleat character, that that insatiable gulph of Lust and Avarice, Hen. 8. gave of himself, that he never spared Man in his Rage, nor Woman in his Lust; if he had added but this one thing more, that he never pittied the helpless in his greediness? But those practices against his own Servants, and these against Gods Church, have a like countenance by the Fundamental Laws of this Kingdom, and more became a Robber than a Prince; for *Subditos spoliare & opprimere, non regnum est sed latrocinium*: To spoil and oppress Subjects, was more like a Robber than a King. Nay, it is not to be questioned,

that this design of his, for the
 spoil of the Church, had went on,
 whether the Parliament had en-
 acted it or no; for in the year

Hen. 8. 24. of our Lord 1532. & Anno
 Regni 24. He suppressed the Col-
 legiate body of the Holy Trinity
 in London, and gave their Plate
 and Lands to his new Favourite
 and Keeper Sir Thomas Aud-
 ley; and did not tarry for the
 Act of Parliament, which came
 not forth till the year of our

27 H 8. Lord 1535. & Anno Regni 27.
 Nor durst the Parliament do
 less than humour him, for fear
 of their beads; he had so awed
 them, in not sparing the blood
 of their Predecessors. And those
 who had the greatest integrity
 and courage, he quickly cut
 off

off out of the way of his *designs*. But do you judge now, would it not have been thought a blessed and a just act of *himself* and the *Commons*, had they thus cut off the *Revenues* of the *Barons*? or if himself and the *Lords* had thus devested the *Commons* of their *Estates*? or if *himself* and the *Clergy* in their *Convocation* had thus enacted the disseizing of the *Laity*? But good God! What will not a powerful *Leacher* do, when *Revenge* and *Gain* spur him on one side, and he is sure to meet with nothing but helpless *tears* and *words* to oppose him? It is certain, there hath not been in the whole *World* so great a dishonour,

The Evil Eye

and so vile a scandal to the Protestant Religion, as the impious practices of this dissolute Prince. And yet after all this, that he might gather together the fragments of this shipwreck't honour, which he had so rashly prostituted in the sight of all Christendome, he began at length to stick some little Feathers of the Geese that he had plucked, and made some small shew of Love to the Church whom he had Ravished, by raising, towards his latter end, here and there a little Bishoprick, which by their indowments may be discerned to have proceeded from a very moderate zeal, and by the slenderness of their Revenues, in respect of the rest

rest of the Kingdom; as the
 Bishoprick of Oxon. valued in ^{31. 32. 33.}
 the Kings books at 354 l. 16 s. ^{Hen. 8.}
 4 d. ob. founded Hen. 8. 33.
 Peterborough valued per an-
 num in the Kings books 414 l.
 19 s. 11 d. founded Hen. 8. 31.
 Gloucester valued per annum
 315 l. 17 s. 8 d. Hen. 8. 31.
 The Bishoprick of Bristol va-
 lued per annum 338 l. 8 s. 4 d.
 Hen. 8. 31. c. 9. And although
 he fingered the Revenue of the
 Bishoprick of Norwich, yet
 he substituted other Lands,
 and, to excuse the exchange,
 alledged that they were of
 more value than those he took,
 as is expressed in the Statute,
 Hen. 8. 32. 47. This was a ^{31 Hen. 8.}
 poor pittance in proportion to ^{47.}

The Evil Eye

that he took, and yet was engaged by his *Promise* and *Princely Word*, to advance the glory of God; without which, the Commons (notwithstanding that dastardly fear they were possessed with) would never have past that *Act for the Dissolution*, 27 Hen. 8. So that we have a here fair example, how much such persons design the glory of God, or any countenance to Religion.

Nor doth that argument, which some have brought from any emergent *Necessity* of Affairs for any robbery or depilation of the Church, signifie any more to justifie such a proceeding, than the former, brought from a number of
 impious

impious facts. For first, *Evil is not to be done that Good may come of it*; and such it must be confessed to be; to take away mens *Properties*, and to *spoil the Innocent*. Nor is every thing that is called a *necessity*, such indeed; or if it were, *Quæ propter necessitatem recepta sunt, non debent in argumentum trahi*. Nor is it equal for any sort of men to *spoil and disseise another sort* on the pretence of *pure necessity*, when it is indeed to the security and ease of themselves; for this were *to make those that are Parties Judges*, which no *Law* ever allowed, nor themselves would be content to suffer: Or supposing that *necessity* should *supersede all right*; supposing,

Justin. Institut. lib. 2. digest. 162.

Caiaphas
Maxime,
Joh. 11. 50.

sing, it should be lawful, *to kill*
one Man to save a Nation, or to
 undo one sort of men, to save
 the rest; and withal, that such
 a necessity should fall on this
 Kingdom, I would fain know by
 what Law of God or Man, the
 Clergy only should be the devo-
 voted people, and that their main-
 tenance should be sacrificed
 more than the Estates of others?
Josephs example in Egypt will
 hardly allow this, who for the
 preservation of the Lives of the
 Egyptians, when he took the
 Estates of other men to the
 Kings advantage, Medled not
 with the Lands of the Priests, but
 left their Revenue as free as Pha-
 raohs, much less did he sell it to
 maintain or ease others. If ne-
 cessity

Gen. 47.
26.

cessity must fall, let it fall on all men alike; *Where all lift together the greatest load will become portable. And truly, In pari necessitate potior est conditio possidentis*: In like necessity the condition of the possessor is most advantageous.

Maxime of the Common Law.

The Law tells us, that the Church is in the condition of a minor: *Ecclesia fungitur vice minoris*. And it is a strange piece of degenerated inhumanity to spoil a minor. *Pupillus pati posse non intelligitur*. That Pupils should be exposed no Government ever allowed or indured. 'Tis true, there are some causes for which Clergy-men, as well as others, may be disseised, as in case of Treason, and the like. But no man must be disseised before he is convicted:

Bracton Lib. 2. fol. 12.

Justin Institut. tit. 1. digest. 110. §. 2.

Mag. Char. cap. 29.

Nor

The Evil Eye

14 Edw. 3.
pro Clero,
cap. 4, 5.

Nor, when he is *convict*, can he loose more then he had, which in *Ecclesiastical preferments* is only for the life of the *Clerk*; after his death, they do *cedere successori*, go to the *successor*. And in the *vacancy* no *wast* is suffered by the *Law*, in *Manors, Parks, Ponds, or Warrens, &c.* no *fin*es are to be levied of *Tenants*, nor any under *woods* to be felled, nor any other thing done which may tend to the *disherison* of the *Church*: 14 Edw. 3. c. 4. & 5. *pro clero*. Nor will any consent of the *possessors*, if they should be so *perfidious*, make an *alienation* ever the more *legal*; for though they are *usufructuaries*, their *interests* extend but to their own times. *Nemo plus juris ad alium transferre potest*

Ulpian. lib.
46.

test quam ipse haberet : No man can transfer to others a greater right than himself had. And if such Estates should ever discontinue from that use and end, whereunto (by the grants and wills of the Donors) they were originally designed, they ought both in Equity and Law, to return to them again, or to their Heirs. This is certain, that it is the most reasonable thing in the World, that every man should do what he thinks fit with his own; and this is as certain, that to pervert or frustrate the Will of the dead, is most inhumane. *Testamentum authenticum nullus abrogat aut aliquid ei superaddit*, Gal. 3. 15. A Testament though it be but a mans, yet no man disanulleth, or
ad detb

addeth thereto. And truly, if the designs of those *Donors* should ever be *frustrated*, why should the Estates go any other way than to their Posterity? For this is most sure, That if they could have but suspected, that these Estates should ever betaken from those *bodies* to whom they granted them, they would never have granted them from their own families. And therefore that Oracle of the Law, my Lord Cook, plainly affirms, That if Lands be given to a body Politique, such as a Mayor and Community, or to a Dean and Chapter; if the body Politique be dissolved, the Donor, or Grantor, and his Heirs shall reenter. And this Law is so far from being New,
or

Cook on
Littleton,
Lib. 1.
fol. 13.

or the judgment of a private person, that it was urged by *Edw. 3.* in the like case, against the Pope, in a Letter written to him. For whereas the Pope, to make the dependence of all Clergy-men more absolutely on himself, had usurped a Power of disposing of Bishopricks, and other Ecclesiastical Dignities, without Elections of the Chapters: The King in the behalf of the Crown, lets him know, That forasmuch as at the request of divers Popes, his Progenitors had graciously given the Authority of Elections unto the particular Chapters, that if he would not suffer them to use that freedom and Authority that was so given them, that right devolved again on the first Grantor, which

This Letter is to be seen in *The. Walsingham.*

was

The Evil Eye

was the King. The equity of this Law was so obvious, that the Pope a long time after never interposed. For it is sure, that no distance of time can defeat succeeding Heirs of their right. *Qui per Successionem, quamvis longissimam, defuncto heredes constiterunt, non minus heredes intelliguntur, quam qui heredes principaliter existunt.* This therefore is an implied and tacite Condition of all Grantors (but withal a most equitable Condition) that where they cannot have their Ends, which are so honourable and pious, their Grants should return unto themselves, or (which is * equivalent) to their Heirs; which no Succession can spoil him off.

* *Viventis enim non est heres.*

A Maxime of the Common Law.

Cooks Instit.

But

But methinks there is *one thing* more that puts the *Right* and *Interest* of the *Church*, in their *Lands* and *revenues*, out of all dispute in the *World*; and makes them appear by *Law* to be stedfast and *unalienable* for ever; and that is the *Terms* that the *Laws* bestow on *Lands* that are *dedicated* to *Religious* uses; viz. *that they are in Mortmain*, which is thus defined.

Mortmaine est lou terres dones a Deane & Chapiter, ou a un autre Company que sont corporate per le grant du Roy, doncque cest terre est devenu en mortmaine. Mortmain is where Lands are given to a

D

Dean

The Evil Eye

Dean and Chapter, or to any Corporation which are incorporate by the Kings grant, then this Land is come into Mortmain ; that is to say, into a dead hand. So that what is confirmed by Law so given ; to take it again, is just so much honesty, as it is, to rob the dead. Now although the *Statutes of Mortmain* do determine that all things for the future given in *Mortmain* without such a *legall License* and *allowance* as they appoint, shall be *void*, and return to the *Lords* of the *Fee*, and for their neglect to the *King* ; yet doth this (beyond all question) ratify all such

Magna
Charta
cap. 36.
7 Ed. 1.
W.2.c.31.
13 Ed. 1.
34.
Ed. 1. 15.
Ric 2.c.5.
23 Hen.8.
c.10.

such *Estate* given before those *Statutes*, or at any time since those *Statutes* given with such *License*; for the obtaining of which *License* this is the process, that a *Writ* be issued out of the *Chancery*, *ad quod damnum*, that is; whether such a *Donation* be any way detrimental to the *King* or others; and if the *Inquest* returneth that there is no wrong to the *King* nor others; the *King* grants his *License*, which then makes them firm and unalterable (where, by the way, we may take notice how strictly our *Laws* protect mens properties; that no man shall be wronged,

Fitz-Her-
bert Nat.
Brevium
Briefe ad
quod
damnum.

although it be for the sake of
God; much less, that God and
his *Servants* shall have their *pro-
perties alienated* to others (with-
out their consent) the words of
the *Writ* are these. *Rex dilecto
sibi J. de R. Escheatori suo in co-
mitatu L. salutem, Præcipimus ti-
bi quod per Sacramentum proborum
& legalium hominum, de bali-
va tua, per quos rei veritatem me-
lius sciri poterit, diligenter inqui-
ras, si sit ad quod damnum, vel pre-
judicium, nostrum, vel aliorum, si
concedamus B. quod ipse unum me-
suagium, centum acras terræ, Deca-
no & capitulo de M. & eorum suc-
cessoribus, dare possit, & assignare.*

What

What then can be more clear than this, that if *Lands* given in *Mortmain* without the *Kings License*, since those *Statutes*, shall be *forseite*; then those *Lands* given *before* those *Statutes*; or *since* those *Statutes* with such *License*, are *confirmed*; this being a most confessed *axiom* amongst all, *Exceptionem confirmare regulam*. That an exception confirms the rule. To be plain, the interest of the *Church* is so stedfastly founded by the *Laws* of *England*, that those that have been any time the *Authors* of *Sacrilegious* designs against the *Church*, have thought it their most suc-

Cooke In-
stitut. lib. 1.
cap. 1. Sect.
3.

The Evil Eye

cessfull method, to bring some *flurres* and *contempt*, on those that are the *dispensers* of *publique Justice*, and whose continuall studies and business the *Laws* are ; and therefore (besure, as there shall be occasion) they will speak *meanly* and *unworthily* of them, that they may be thought to be persons of *litle use*, or *illends*. Nay, sometimes have the *professors* of the *Laws*, (when there have been aimes at the spoil of the *Church*) been *prohibited* the *Parliament* (that they might do things without consideration of right or wrong, of what is legal or illegal) and
by

by exprefs order, been rendred
 incapable of being elected. As
 in 6 Hen. 4. The Parliament at Stow Chron. Anno 1402.
 Coventry was held without Law-
 yers, being by the Writ forbidden to
 be chosen; the words of the Writ
 are thefe. — *Nolumus quod tu,
 five aliquis alius Vicecomes Regni
 nostri prædicti, aut Apprenticius,
 aut alius homo ad legem aliquali-
 tur sit electus.* We will that nei-
 ther your ſelf nor any other She-
 riſſe, or under-Sheriſſe, (for ſo
 I conceive the word *Apprenticius*
 ſignifies there) nor any other per-
 ſon any way relating to the Law, be
 choſen. On occaſions of which,
 our Hiſtorians call this Parlia-
 D. 4. ment,

ment, Parliamentum Laicorum.
A Parliament of meer Laicks;
 For although this exceeding
learned and excellent Function
 (which requires vast study and
 experience to perfect it) be not
 sacred, yet in the sense of our
Laws they are Clerks too, that
 are exceedingly well read and
Learned as *Clergy-men* are, or
 should be. From which use
 of the name *Clerk* (by I know
 not what cause) there are no
 Pen and Ink-horne men now re-
 lating to the *Law*, termed *Clerks*
 but those that use Pen and Ink,
 in *Courts*, as *Clerks of Parliament*
Roles, Clerks of Chancery, &c.
 But

But blessed be God that the *Laws* of this *Kingdome* are not so little *cultivated* or *understood* especially by *Gentlemen* of any *note* or account in this latter age, but that the interests of the *Church* and religion are sufficiently conceived, and that by the *constitution* of this *state*, the *Lands*, both of the *Clergy*, and themselves are so founded, that one cannot be *attacqued*, or *invaded*, without a manifest *wrong*, to the very *settlements*, and *freedoms* of the other. And therefore little doubt that so many hundreds or thousands should ever combine, to do any acts of *wrong* and

and *unrighteousness* to them, and therein (besides the *violation* of their *trust* and *consciences*) *weaken* and *enfeeble* themselves and their *posterities* for ever.

Nor have these *Church-preferments* been entailed to the *offspring* of the *Peasantry*, and common people, which (for the most part) have not ability to give *Education* unto their Children, to *qualify* them for such Offices; but have generally been the reward and support of some branches of the most *ancient*, and frequently of the most *Honourable families* of the whole *Kingdom*; insomuch as those that
have

have been born to sit with *Princes*, have not disdained (by a *sedulous* and *studious* life) to fit themselves for those *dignities*. Nor did the *Policy* of any former ages esteem them ever the less qualified to serve their *Princes*, when they were so well prepared to serve *God* and his *Church*.

This little *Catalogue* that I have subjoyned, will let you see that the *dignities* of the *Church* have been the *Seats* for several of the *greatest families* of this *Nation*; which for the more speed I have set down *promiscuously*, without any orderly marshalling: Thus,

Agelnothus

Agelnothus Bishop
of Cant.

Athelmarus Bishop
of Winton

Henry de Bloys Bi-
shop of Cant.

Hugh de Pudsey
Bishop of Durr-
ham,

Boniface of Savoy
Bishop of Cant.

Richard Talbot Bi-
shop of London,

Henry Beaufort Bi-
shop of Lincolne

Son of Earl Agel-
mare.

Son to Hugh Earl
of March and
Queen Isabel.

Brother to King
Stephen.

Earl of Northum-
berland.

Uncle to Queen
Eleanor wife of
Hen. 3.

Allyed to the Tal-
bots after Earles
of Shrewsberry.

Son of John of
Gaunt.

Will.

<i>Will. Courtney Bi-</i>	<i>Son of Hugh Court-</i>
<i>shop of Cant.</i>	<i>ney E. of Devon.</i>
<i>Giles de Bruse Bi-</i>	<i>Son of Will. Lord</i>
<i>shop of Hereford</i>	<i>de Bruse.</i>
<i>George Nevil Bi-</i>	<i>Brother to Richard</i>
<i>shop of Exon</i>	<i>Nevil Duke of</i>
	<i>Warwick.</i>
<i>Thomas Peircy Bi-</i>	<i>Allyed to the Pier-</i>
<i>shop of Norwich</i>	<i>cies E. of Northum.</i>
<i>Lionel Woodvil</i>	<i>Son to Earl Ri-</i>
<i>Bishop of Sarum</i>	<i>vers of Sarum.</i>
<i>Thomas Vipont Bi-</i>	<i>Allyed to Viponts</i>
<i>shop of Carlile</i>	<i>then Earls of</i>
	<i>Westmoreland.</i>
<i>Marmarduke Lum-</i>	<i>Allyed to the house</i>
<i>ley Bishop of Car-</i>	<i>of Lumley's.</i>
<i>lile</i>	
<i>Walther Bishop of</i>	<i>Earl of Northum-</i>
	<i>Durrham</i>

Durrham

Julius de Medices
Bishop of Wor-
cester

*Nicholas de Lon-
gespee* Bishop of
Sarum

Will. Dudley Bishop
of *Durrham*

*Walter de Cantilu-
po* Bishop of Wor-
cester

Lewes Beaumont
Bishop of *Durr-
ham*

Thomas Arundel
Bishop of *Cant.*

berland.

Allied to the house
*of Medices in I-
taly.*

Son to Will. Earl
of Salisbury

Son of Jo. Lord
Dudley.

Of a great house in
Normandy.

*Of the Bloud Roy-
all of France.*

Son to Rob. Earl
of Arundell and
Warren.

James

James Berkley Bi-
shop Exon

Rich. Scroope Bi-
shop Cov. and
Litchf.

Thomas Bouchier
Bishop Cant.

Roger de Clinton
Bishop Cov. and
Lichf.

Jo. Stafford Bishop
Cant.

Will. de Vere Bi-
shop Heref.

Richard Beau-
champ B. Here-
ford

Son to the Lord
Berkley.

Brother to Will.
Scroope Earl of
Wiltshire.

Son to Hen. Bour-
chier Earl of
Essex.

Of the same family
with Geofery de
Clinton.

Son to the Earl of
Stafford.

Brother to the Earl
of Oxon.

Allied to Beau-
champ then Duke
of Warwick.

Jo. Grandison B.
Exon

Edmund Audley
B. Heref.

Hen. Burwesh B.
Linc.

Jo. Zouch B. Llan-
daff.

Hen. Beaufort B.
Linc.

Fulco Bassett B.
Lond

James Stanly B.
Ely

Simon Montacute
B. of Ely

Of the house of
Grandisons Dukes
of Burgundy.

Allied to Audley
E. of Gloucester.

Nephew to the Ba-
ron of Leeds

Brother to the Lord
Zouch.

Allied to the Beau-
forts E. of Dorset.

Lord Bassett.

Brother to the Earl
of Darby.

Allied to the Mon-
tacutes then Earls
of Salisbury.

I might extreamly enlarge this, if there were either time, room, or need so to do. And as for the *Gentry*, and the *Lawyers*, and *Merchants*, which according to the *constitution* of this *Kingdome* are to be had in no small regard; very few of all the *Bishops* of this *Kingdome* have been from any *lower families* than such; or if here and there one have risen from small *beginnings*, it hath been extraordinary *merit*, *parts*, and *industry*, that have been the means of their promotions. And such unthought-off advancement is common to the *Laity*, as well

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as

The Evil Eye

as the *Clergy*, amongst whom, many of the now *highest rank*, may attribute their *rise* purely to the *grace* and *favour* of *Princes*, who (as one saith) have so much of *God* in them (whose *deputies* they are) that they oftentimes raise the poor out of the dust, that they may set them with *Princes*, even with the *Princes* of their people. And although these *preferments* and *dignities* in the *Church*, have in this latter age, fallen more generally to the hands of such, that have been the *Branches* of *Knightly* and *Gentile Families*, and not to those that are the *Sprouts* of *Peers*, there is no reason that
the

the *Peers* should *envy* this *honour* and *advantage* unto those *Worthy Families*, and neither *accept* of those *employments* themselves; nor be content that others enjoy them; there is no cause that while they esteem those *advantages* too *small* for the *least Peers*, they should conclude them too liberal, or splendid, for the best *Commons*. Especially when by a *chargeable Education* and a *painful* and *industrious Life* they have acquired *learning* and *parts* to be able to undergo them, to the *glory of God*, and the *honour of their houses*. It were most unreasonable and disingenious, for

The Evil Eye

the *Nobility* after themselves are entered into the *Court of Honour* to pull up a *Draught-Bridg* and shut to the *Gates* that none else may enter. There are but these *two ways* for the *Commons* by *merit* to aspire unto *honours*; by the *Gown*; and by the *Sword*. And if this way should ever be bayed up, the rest, of the pathes of the *Gown*, would become so wondrous *rough* and *uneven*, that there would hardly any ready way for them to come unto *dignities* remain, but what they could dig out with the *Sword*. For, as for *riches*, It is much more uncertainly attained by all industry

industry, than *Wisdom* and *Learning*; and if the rewards and incouragement of *Learning* and *Piety* should without all sense of *Law*, be ever withdrawn, we were likely to have *States-men* no further *accomplisht*, than the sight of a *Court*, and the instruction of a *Theater* could do it; which at most would be but this; that the first will teach them a *phantastical dress*, and the other as *phantastical a Discourse*; which would much prepare them to treat *Ladies*, but nothing at all enable them to contribute any thing towards the *Steering* of a *State*.

The Evil Eye

As now things stand, *Religion* and the *house of God* have something else besides their native purity and holiness, to invite the *Gentry* to take this *Yoak* on them ; for if there be not a *splendid*, yet there is a *convenient encouragement and maintenance* for them ; and if they are designed for other *employments* ; the *road* by which they are to trace *Learning* (that must fit them for great *undertakings*) is not without *considerable helps*. This (if I mistake not) is well enough understood ; for there are very few families , especially under the *Equestrial degree*,
but

but either have now, or have had some branches of them provided for in the Schools, University, or the Church, or in all of them. Who are now for the most part the *Schollers* of the *Schools* of the most ample foundations of *Winton*, *Westminster*, *Eaton*, but *Gentlemens Sons*? who generally in the best endowed *Colledges* of the *Universities*, but *Gentlemens Sons*? And in the whole *Churches* of *England*, where there is one person dignified that is not, there are three that are *Gentlemen*. Nay, what *Family* under the degree of *honour* in the whole *Kingdome*,

The Evil Eye

is there, that hath neither *Son*, nor *Nephew*, nor *Father*, nor *Uncle*, that are not, or have not been *incouraged*, if not maintained, by the *revenue* of the *Church*? I am sure, very few. And what ready way have *Gentlemen* that by *misfortune*, or *illness of times* fall to decay, to provide for their Children, but this? when none else will do any thing for them, the solicitation and mediation of their friends will prevail that the most *hopefull* and *promising* of their off-spring will in this *prudent* and *Religious manner* be provided for. Whereas if ever the
revenues

revenues of the Church should be taken away, the consequent will be inevitably this; Learning shall decay, such Families be helpless, and Religion as a low and contemptible thing come into the hands of none but those, that are, de Fæce plebis, of the Scum and basest of the people.

And whereas those *Harpies* that gape for the spoyle of the Church, to consume it on *Fidlers* and *Whores*, do usually suggest the *Prodigality* of their *Predecessors*, in so liberal indowment of the *Church*: as if all the *maintenance* of the *Clergie*, and all the endowments of *Schools* and *Colledges*

The Evil Eye

ledges; and as if all the *publique buildings*, the *monuments* of *piety* and *charity* of the former Ages, had been Money out of their Purfes, and meerly the good works of the *Laity* only; this is a very gross *errour* and *mistake*. I cannot indeed deny, but God hath in all times raised up some *Pious* and *Munificent* persons amongst them to be *benefactors*, especially by several *Godly Kings* to do *glorious things* to the encouragement of *Religious men*, (and truly of whom should good be expected if not of those whose Office it is, to be *nursing Fathers* to *Gods Church*) yet many

ny of the most *ample foundations*, and the best *endowments* for *Learning*, and *Piety*, have been *shafts* from the *quiver* of *Clergymen* themselves, especially when they lived *single*, and made *Conscience* to leave their *Inheritances* in the *Lap* and *Bosome* of her from whence they had received it. This the *Law* it self confesseth ; and therefore although in the *Statutes of Mortmain* before mentioned, there is so perfect an investiture of the *Lands* given (*without leave first obtained*) in the *Lords of the Fee*, and in their neglect in the *King* : yet if *Prelates*, *Clerks beneficed*, or any *Religious*

The Evil Eye

ligious person have purchased lands and have put the same in Mortmain, although they cannot shew that they have entred by due process, after license obtained, they shall yet be gently received to make convenient Fine, 18 Ed. 3. pro Clero. cap. 3. I might fill a Volume if I should attempt to give instance in all particulars of the pious works and Indowments that the Clergie in former Ages have done. But as a taste of the rest, I shall onely give examples of some of the most conspicuous and visible of them; such as Colledges dedicated to Learning, and Churches, especially of the most
stately

18 Ed. 3.
pro Clero.
cap. 3.

stately and magnificent structure, dedicated to the honour and worship of God, and the like publique monuments; which I shal set down promiscuously, as they follow.

Christ Church in Canterbury (i. e.) the Fabrick now standing

Our Lady Church in Sarum was Founded

St. Andrews Church in Wells that now stands was first Founded

St. Peters Church in Chichester new built by

Built by Arch Bishop Lanfrank, and continued by William Corboyle, and perfected by their successors.

By Richard Poor Bishop of Sarum, and finished by Bishop Bridport.

By Bishop Robert, 18th Bishop of that See; and finished by Bishop Joseline.

Radulph 3d Bishop, after that was consumed by fire, was rebuilt by Sissifridus.

St.

St. Mary's Church in
Lichfeild which now
standeth was built by
St. Daniels in Bangor
after it was ruined
by the Rebel Owen
Glendowr, was built
by

Trinity Church in
Winton now standing
begun by

St. Mary's Church in
Oxon Founded by

St. Peter's Church in
York, which now
standeth erected by

The Church of Ely that
is now standing, built
by

The Cathedral Church
of St. Davids, built
by

St. Peter's in Exceter
as now it standeth

Roger de Clinton Bi-
shop of that Diocefs.

Henry Deane Bishop of
Bangor.

Bishop Walklin conti-
nued by his succes-
sors, finished by Wil-
liam of Wickham.

Dr. Fitz James after-
ward Bishop of Lon-
don.

Tho. the 25th Bishop of
that See.

Bishop Normold, Kidall,
and others.

Peter 48th Bishop of
that Diocefs.

To Warlwast Quivil
and Grandison three
oweth

oweth it self to

The stately Structure of
the Cathedral Church
of Gloucester was first
Founded by

The now standing Ca-
thedral Church of
Hereford was the
work of

The Cathedral of Lin-
colne was first Foun-
ded by

The Church of Saint
Paul in London ,
having once before
been burnt and con-
sumed with fire, was
rebuilt by

The Trinity Church in
Norwich was first
built by

three Bishops of the
same See.

Aldred Arch-Bishop of
York.

Bishop Reinelme and
his successors.

Bishop Remigius ex-
larged by Alexander,
and perfected as now
it is by Hugh of Bur-
gundy his successor.

Mauritius, Richardus,
Bishops of London, and
others their succes-
sors.

Herbertus Iosinga Bi-
shop there, and being
twice burnt was
twice after rebuilt,
the first time by John
The

The Church of Peter-
burgh after it was
burnt by the Danes
was again built by
The Cathedral Church
of Worcester was new
built, by

St. Andrews Church
in Rochester was re-
built by
The Cathedral Church
of Durrham was
Founded by

John of Oxford, the
Second time by Bi-
shop Middleton.
Ethelwoldus Bishop of
Winton.

Oswald the 18th Bi-
shop, but after it was
burnt by the Danes, it
was brought to that
perfection it now
hath, by Wulstan a
succeeding Bishop.
Gundulphus Bishop of
that See.

Aldwynus Bishop of
the same. That which
now standeth was be-
gun by Bishop Willi-
am de Carileso, and
finished by Ranu'phus
Flambard his succes-
sor.

Madalen

Magdalen Col. in Oxon
with the Chappel an-
nexed, was Founded
by

Trinity Col. Originally
Founded by Tho. Hat-
field

All-Souls Col. by

Merton Col. with the
Chappel and Tower
annexed, by

Exceter Col. by

Queens Colledg in Ox-
on, by

New Col. and the Ap-
pendant Colledg and
School of Winton, by

Lincoln Colledg was
Founded by

St. John's Col. in Oxon
Originally Founded,
before the dissolution
by Hen. 8. by

William of Wainfleet
Bishop of Winton.

Bishop of Durrham.

Hen. Chichely Arch Bi-
shop of Canterbury.

Walter Merton Bishop
of Rochester.

Walter Stapleton Bi-
shop of Exceter.

Robert Eglisfield Chap-
lain to Queen Phillip.
Wife of Ed. 3.

William of Wickham
Bishop of Winton.

Richard Flemming Bi-
shop of Lincoln.

Hen. Chichely Arch-Bi-
shop of Canterbury.

*St. Crosses Hospital and
Church Founded by
Catherine Hall in
Cambridg Founded
by*

*Jesus Colledg in Cam-
bridg Founded by
St. John's Colledg in
Cambridg was first
Founded by*

*Henry Beaufort Bishop
of Winton
Robert Woodlark DD.*

*Jo. Alcock Bishop of
Ely.*

*Nigellus the Second
Bishop of Ely, after-
wards endowed and
enlarged by Hugh
Balsbam a succeeding
Bishop.*

So that it appears that many
of the best and most ample foun-
dations, of the most noble and ad-
mirable Piles and structures, of the
most costly publique workes and
buildings, that beautifie Cities and
Universities, that make this King-
dome famous in forrain parts ; and
that

that here serve for the *glory of God*, and the *publick good*, have been *founded* and *indowed* by the *Clergie*. The *builders* of the first *Tower* in the *World* that we read of, were justly chastised with *confusion* of their *Language*, for their rebellion against *God*, for they sayd, *Gen. 11. 4. Let us build us a Tower whose top may reach to Heaven*; not that they designed that it should indeed touch Heaven, for then the whole *Plain* in the *Land of Shinar* had been too little for the *foundation*, nay, it may be the whole *Earth* it selfe; but the meaning is, a *very high Tower*, such as might be

The Evil Eye

a place of *sanctuary* to them, against any future *Deluge*. For whereas they understood that the *Waters* in the *Flood* prevailed on the earth but *fifteen cubits* upwards, as *Cap. 7. 20.* they imagined that this *mole* (so much above the tops of the highest *mountaines*) would secure them in the like case, and being made of *Bricks too* (which had endured the test of fire) might protect them from the force of that furious *Element*, which they had *traditionally* received, should be the means of a second *destruction* of the *World*. Thus they thought to elude *Divine vengeance*, and
to

to arme themselves against the force of *Heaven*, which nothing is able to effect but *innocency* and *holiness of Life*. And truly had they not thus erred in the *main*, the other *lower ends* of this work would not have failed them, which they express in the next words ; *Let us make us a Name, lest we be scattered abroad upon the face of the earth* : For certainly it was a very likely means to perpetuate their *Name* and *Glory*, and was besides, as a *Standard* to which they might at any time repair in case of *dispersion*. What these designed, though rebelliously against God,

The Evil Eye

is really performed to us, by those *noble* and *stupend structures* devoted to *Gods honour*; it gets us both a *name*, and is as *standards* for us to apply to in case of dispersion; as *holy sanctuaries* to fly too to seek the *God of salvation*; and cannot choose but be exceedingly the glory of the Nation, that is so much for the glory of the Lord. And this is a thing so confessed and certain, that *Cromwell* (that great enemy to every thing that was good) meerly for the *greatness* of the *Workes*, and because they were such *Ornaments* to the places where they are built, saved them from

from ruine, when nothing *sacred* was spared besides. But to conclude, If it were not for *Cathedral Churches*, and the *Sees of Bishops*, our *Noblest* and most renowned *Cities* in the whole *Kingdome*, would be of no more account then the *poorest*, *basest*, and most *pedling Burroughs*. *John, Mayor of Brackley* would govern as *noble* a society of men, as the *Lord Mayor of London*; and *Wotton-Basset* contend with *Bristoll*. For the *Law* defines a *City* thus, *Citie est teil ville corporate que ad un Evesque & un Eglise Cathedral*, A *City* is a *Town-corporate*, which hath a *Bishop* and a *Cathedrall*

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The Evil Eye

Church. And so *Cassaneus* affirming that there are in *France* 104. *Cities*, gives this reason of it, *Pur ceo que la sont plusours Sees de Archieuesques & Euesques*; because there are so many *Sees of Arch Bishops and Bishops*. I know very well that there are too many factious and giddy people, that aim at nothing but *parity* and *levelling* in *Churches, Cities, Clergie,* and *People*, in all persons and societies; and that *John* may be a *Lord*, would have every *Lord* a *meer John*. They would *debase* and bring down all *dignities* and *honours* to the rate and sieze of their own *education* and *merits*.

But

But I suppose that I write to men of *sobriety* and *reason*; to men that have *honours* or *estates* to loose; and such I beleive do well understand that the onely way to prevent *ruine* and *confusion* is the *stability* of the *Laws*, and the *steadfastness* and *continuance* of the *constitutions* and *Sanctions* of this *Kingdome*. *Non capitur, qui jus publicum sequitur*. He shall never be *insnared*, that depends on the *known* and *publick* *Laws*. But if this *dependance* be ever removed out of the hands of that generation of men that have *fitted* themselves for *holy services*, the *Laws* that gave a security of those in-

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The Evil Eye

couragements, are turned into meer *trapps* and *snare*s to invite them into *Offices*, *Dignities*, and *Imploiments*, and there leave them *exposed*, *naked*, and *derided*. Just as some *Faction*ous persons would have the *Act* of *Uniformity* become to all the *Sober* and obedient *Clergie* of the *Kingdome*, (that when it hath (under the severe penalty of *Deprivation*) exacted a *Subscription* and an exact *Conformity* ; and by this means, drawn in a vast number of men, that were not altogether so well satisfied in some particulars ; because they would not incur the *censure* of *unpeaceable*

ble men, of Separatists, of being
stiffe and stubborn against Nation-
all Laws ; thinking, that for
peace and order sake , it was
but reasonable to lay aside some
contracted prejudices , and sub-
mit their private sentiments to the
judgment of a Convocation and
Parliament, especially for this,
because they might not other-
wise exercise their Ministry)
that now some Law of Tolleration
should be made, to let in all the
stubborn and unpeaceable, and con-
sequently , make the most obe-
dient and honest hearted Clergie,
pass under the character of Co-
wards , Temporizers , Men of a
large

The Evil Eye

large conscience, and the like, to their infinite reproach, and *discouragement*; the consequent of which (if it could be effected) would be inevitably *this*, that all sober and wise men (if in any thing they dissent from the *publique opinions*) shall be forever discouraged from yielding up their *apprehensions* to the *publique quiet*; least when they have done it, they be exposed to *scorne* and *contempt*, for their *obedience*. There is no prudent Man (I conceive) can have so low and dishonourable esteem of the greatest and gravest *Council* of this *Kingdom*, the *Parliament*,

Plucked out.

ment ; to imagine that they should be so unstedfast to themselves or others, to hearken to such *suggestions*, and so tols the *Interests* of the whole *State* like *Shuttlecocks* ; or think so poorly of their *Faith* or *Honour*, that they should by *severe penalties* and *strict Laws*, hunt men into an *intricate* and *troublesome duty* and *condition*, upon hope of *encouragement* and *reward*, and then leave them in the *lurch*; or that *Law-givers* should ever unravel the whole texture of the present constitutions, to *set up unrighteousness* by a *Law*.

J F I N I S.